

# **EXHIBIT A**



# American *Type Culture* Collection

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ATCC

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

ImClone Systems Incorporated  
Attention: Thomas Gallagher  
180 Varick Street  
New York, NY 10014

COPY OF PAPERS  
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Deposited on Behalf of: ImClone Systems Incorporated

Identification Reference by Depositor: ATCC Designation

Hybridoma Cell Line, m225 HB 11935

The deposit was accompanied by:  a scientific description  a proposed taxonomic description indicated above.

The deposit was received June 7, 1995 by this International Depository Authority and has been accepted.

#### AT YOUR REQUEST:

We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 14, 1995. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

  
Annette L. Bade, Director, Patent Depository

Date: June 20, 1996

cc: Irving N. Feit

# **EXHIBIT B**



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PATENT 11245/46003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor : Goldstein et al.  
Serial No. : 08/973,065  
Filing Date : March 19, 1998  
For : ANTIBODY AND ANTIBODY FRAGMENTS FOR  
INHIBITING THE GROWTH OF TUMORS  
Examiner : Helms, L. R.  
Art Unit : 1642

Assistant Commissioner for Patents  
Washington D.C. 20231

**STATEMENT OF BIOLOGICAL CULTURE DEPOSIT**

Sir:

I, Thomas C. Gallagher hereby state:

1. The following biological material described in the specification of the above-mentioned application, has been deposited:

Hybridoma cell line m225 (ATCC Accession No. HB 11935)

2. That the date of the above deposit is before the U.S. filing date of this application.

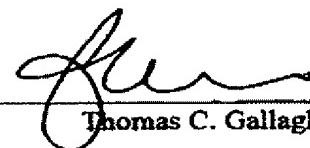
3. That the name and address of the depository is:

American Type Culture Collection  
10301 University Boulevard  
Manassas, VA 20110-2209

4. That a statement that the cell line deposited with the above named depository was viable on the date of deposit is attached. Such statement is executed by the depository.

5. That, with respect to the permanence of the cell line deposit, the depository is an official depository, in accordance with the Budapest for the above deposited cell line. The depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest. Evidence that permanence of the cell line is assured is provided in the form of the attached copy of the International Form Receipt in the Case of an Original Deposit Issued Pursuant to Rule 7.3 and Viability Statement Issued Pursuant to Rule 10.2 with respect to the deposited cell line.
6. I state that should the cell line mutate, become nonviable or be inadvertently destroyed, applicant will replace such cell line for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.
7. That, with respect to availability of the cell line, I state that the deposit has been made under conditions of assurance of (a) ready accessibility thereto to the public if a patent is granted whereby all restrictions to the availability to the public of the cell line so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. §608.01(p)), and (b) access to the cell line will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122. Evidence of the accessibility of the cell line as set forth above is provided in the form of the attached copy of the International Form with respect to the deposited cell line.

Dated: March 8, 2002



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Thomas C. Gallagher

ImClone Systems Incorporated  
180 Varick Street  
New York, NY 10014